

words, even if an English reference is deemed to be irrelevant to the claimed invention by the Examiner, the Examiner should still consider the reference (i.e. initial the PTO-1449) unless 37 CFR 1.97 and 1.98 are not satisfied (see MPEP § 609.05(b)). If 37 CFR 1.97 and 1.98 are not satisfied, the Examiner must specifically state which portions of 37 CFR 1.97 and 1.98 are not satisfied (see MPEP § 609.01).

In the present case, 37 CFR 1.97 and 1.98 are in fact satisfied, and the reference is in English. Therefore, regardless of the level of relevance of reference "AA," the Examiner should still provide his initials on the PTO-1449 form.

Therefore, the Applicant requests that the Examiner return a completely initialed copy of the form PTO-1449 which was filed as part of the IDS of September 24, 2009. Enclosed is a copy of the form PTO-1449 filed on September 24, 2009 for the Examiner's convenience.

Respectfully submitted,

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/Andrew L. Dunlap/

By 2010.04.02 14:40:30 -04'00'

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